Screening Form for Low-Effect ITP Determination and NEPA Environmental Action Statement

I. Project Information

A. Project Name: Low-Effect Conservation Plan for the South River Pump Station, Yolo County, California

B. Affected Species: Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), federally listed as threatened, giant garter snake (*Thamnophis gigas*), federally listed as threatened.

C. Project Size (in stream miles and/or acres): The proposed Permit Area is 156.0 acres. The Permit Area is comprised of 136.4 acres within the project construction area, and an adjacent 19.6 acre area of potential indirect effects within the impact buffer of the project construction area.

D. Brief Project Description (including minimization and mitigation plans):

Purpose: The South River Pump Station Low Effect Habitat Conservation Plan (HCP) provides supporting basis for issuance of a section 10(a)(1)(B) incidental take permit (ITP) to Sacramento Regional County Sanitation District (Regional San). Permit issuance is necessary to authorize the incidental take of the federally threatened valley elderberry longhorn beetle (VELB) and federally threatened giant garter snake (GGS) associated with an otherwise lawful activity: the construction of a new flood protection levee and raised all-weather access road around the existing South River Pump Station (SRPS).

Need: We need to protect and conserve the VELB and GGS. Regional San needs to protect the local community from flooding. A study conducted by the United States Army Corps of Engineers in 2002 led to additional evaluation of Sacramento area levees. Subsequent studies indicated that the levees do not meet the state or federal flood protection criteria. Should a significant flood event, occur at the SRPS, sewer service could be impacted for thousands of customers in the communities served by Regional San.

Proposed Project: The proposed project involves the construction a new flood protection levee and raised all-weather access road around the existing SRPS. The flood protection system is designed to provide a minimum of 200-year level of protection. Construction of the new flood protection levee and raised all-weather access road will result in the permanent removal of 23 elderberry shrubs, considered potential habitat for the VELB, and temporary impacts to 10.775 acres of riparian scrub, ruderal, annual grassland, agricultural crop, and urban vegetation communities considered upland habitat for GGS. The following actions are proposed as the "Covered Activities" under the HCP: site preparation; tree removal; transplanting elderberry shrubs, embankment degrade; excavation of inspection trench and borrow material; construction of the levee; construction and removal of temporary access road (if needed); construction of access roads, maintenance roads, and a permanent access road for the borrow site; site restoration.

Permit Term: The requested permit term is 5 years.

Covered Lands: The permit would address the entire 136.4 acre SRPS project site located at 30030 South River Road in rural Yolo County, just south of the southern limit of the City of West Sacramento, California; as well as an adjacent 19.6 acre area of potential indirect effects within the impact buffer of the project construction area.

Species Occupation and Baseline:

Biologists surveyed the Permit Area for elderberry shrubs in March, July, 2015. A total of 30 elderberry shrubs were identified, mapped, and surveyed for evidence of VELB presence. None of the shrubs are located in riparian areas, and none exhibited the characteristic exit holes of the VELB. Most of these shrubs were also surveyed in May, 2010 and June, 2011. No VELB exit holes were observed during either of those surveys.

Suitable GGS aquatic habitat is present in the waterways adjacent to the Permit Area. Annual grassland, agricultural crop, riparian scrub, ruderal, and accessible urban habitat within 200 feet of the aquatic habitat is considered suitable upland habitat. The ruderal habitat is marginal, due to the density and height of the vegetation. Some urban habitats can be considered suitable habitat due to the ample availability of basking areas; however, most urban areas within 200 feet of aquatic habitat are considered highly unfavorable to snakes because of obstructions to movement from man-made structures and high levels of disturbance from human activity. Riparian woodlands do not provide suitable habitat because of excessive shade, lack of basking sites, and absence of prey populations. A total of 18.190 acres of suitable upland habitat is present within the Permit Area.

Species Goals and Objectives:

VELB Biological Goal

Contribute to the protected habitat acreage and increase the number of protected host plants within the range of the VELB.

VELB Objective

Protect occupied VELB habitat and contribute to a regional preserve design through the purchase of 55 VELB credits at Sacramento River Ranch VELB Conservation Bank or other USFWS-approved conservation bank.

GGS Biological Goals

Project Construction Option 1

Restore temporarily removed GGS upland habitat to pre-project conditions of equal or greater habitat values.

Project Construction Option 2

Restore temporarily-removed GGS upland habitat to pre-project conditions of equal or greater habitat values.

Contribute to the protected habitat acreage within the range of the GGS

GGS Objectives

Project Construction Option 1

Restore 10.775 acres of temporarily-impacted upland habitat within the project area to pre-project condition within the same season or, at most, the same calendar year.

Conduct monitoring with photo documentation reports due one year from the restoration implementation and at the end of the permit term showing pre-and post-project area photos.

Project Construction Option 2

Restore 9.995 acres of temporarily-impacted upland habitat within the project area to pre-project condition within the same season or, at most, the same calendar year. Restore 0.780 acre of temporarily impacted GGS habitat the calendar year following the initial impact.

Conduct monitoring with photo documentation reports due one year from the final restoration implementation and at the end of the permit term showing pre-and post-project area photos.

Protect occupied GGS habitat and contribute to a regional preserve design through the dedication of 0.780 acre of created GGS habitat at the South Stone Lake Giant Garter Snake Mitigation Preserve or through the purchase of 0.780 mitigation credits at a USFWS-approved GGS conservation/mitigation bank.

Avoidance, Minimization and Mitigation Measures: The Regional San proposes to avoid, minimize, and mitigate the effects to the VELB and GGS associated with the Covered Activities by fully implementing the HCP. To minimize effects to VELB, Regional San is proposing to implement the avoidance and minimization measures outlined in the *Formal Programmatic Consultation for Projects with Relatively Small Effects on the VELB* (USFWS 1996a) and the *Conservation Guidelines for the VELB* (USFWS 1999a). To minimize effects to GGS the Regional San is proposing to implement the avoidance, minimization and conservation measures as specified in Appendix C of the *Programmatic Formal Consultation for U.S. Army Corps of*

Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California (USFWS 1997).

Regional San will satisfy the mitigation requirements by purchasing 55 VELB credits from a USFWS-approved conservation bank and transplanting the removed elderberry shrubs to the conservation bank, and by restoring temporarily impacted upland GGS habitat to pre-project conditions within the same calendar year (Option 1). If final restoration of a portion of the temporarily impacted upland GGS habitat occurs the calendar year following the initial impact, then Regional San will satisfy additional mitigation requirements, in addition to what is proposed in Option 1, by dedicating 0.780acre of created GGS habitat at the South Stone Lake Giant Garter Snake Mitigation Preserve or through the purchase of mitigation credits from a USFWS-approved conservation/mitigation (Option 2).

Monitoring and Reporting: Regional San is performing all monitoring associated with implementing the avoidance and minimization measures (including pre-construction survey and construction monitoring results) as specified in the *Formal Programmatic Consultation for Projects with Relatively Small Effects on the VELB* (USFWS 1996a) and the *Conservation Guidelines for the VELB* (USFWS 1999a) and the *Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California* (USFWS 1997).

Project implementation and monitoring reports will be documented and submitted to the USFWS during the 5-year permit term. These reports will be submitted to the USFWS by December 31st of each year, and will include at a minimum of the following: (1) a brief summary or list of project activities accomplished during the reporting year (e.g. this includes development/construction activities, and other covered activities); (2) project impacts; (3) a description of any take that occurred for each covered species (includes cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals); (4) results of monitoring results (compliance, effects and effectiveness monitoring) and survey information (if applicable); (5) a description of circumstances that made adaptive management necessary (if any) and how it was implemented; (6) a description of any changed or unforeseen circumstances that occurred and how they were dealt with; (7) funding expenditures, balance, and accrual; (8) a description of any minor or major amendments.

The annual reports prepared following on-site GGS upland habitat restoration, implementation and monitoring and the final report at the end of the permit term will discuss the success of this restoration and will include the following items: photo documentation, when the restoration was completed, what materials and seed mix were used, and justification of any substitutions to the USFWS recommended guidelines. If remedial actions appear necessary to comply with success criteria, recommendations for remedial actions and a request for approval from the USFWS may also be included.

For years in which no construction, restoration, or monitoring activities occurred, a letter stating this will be submitted to the USFWS in lieu of an annual report.

Monitoring reports for off-site mitigation will be prepared by the conservation/mitigation bank/Preserve operator(s) and submitted to the USFWS per the conservation/mitigation bank/Preserve's reporting requirements.

II. Would issuance of the ITP fit the Department of Interior's categorical-exclusion criteria (516 DM 8.5(C)(2).

A. Would issuance of the ITP result in minor or negligible effects on federally listed, proposed, or candidate species and their habitats covered under the HCP?

Yes. The effects on both VELB and GGS would be minor or negligible prior to the implementation of the avoidance, minimization, and mitigation measures.

The incidental take of the VELB that is anticipated to result from implementation of those actions necessary for the proposed project is expected to have negligible effects on the species overall survival and should not hinder its recovery. Impacts to VELB habitat associated with the project are restricted to 23 elderberry shrubs that are not in a riparian area and that have been surveyed for VELB presence several times, and have never exhibited evidence of VELB use. Elderberry shrubs are also common in the immediate vicinity of the project area. The project is not located in designated Critical Habitat for VELB, the number of elderberry shrubs affected is very small relative to the species' entire geographic range, and the impact area's relative importance to the species, both regionally and throughout its range is thought to be minor. For these reasons, the impact of any take of VELB resulting from implementation of the Project is expected to be negligible.

The incidental take of the GGS that is anticipated to result from implementation of those actions necessary for the proposed project is expected to have negligible effects on the species overall survival and should not hinder its recovery. The restoration of the construction area following completion of construction could result in an overall improvement in upland habitat quality, GGS sightings are very rare within several miles of the project area and the project is a significant distance from the more robust populations north in the Sacramento Valley. There is extensive available upland habitat for GGS adjacent to ditches in agricultural fields within the project vicinity and surrounding areas. The actual number of GGS subject to incidental take is expected to be very low; the percentage of the species' upland habitat affected, 10.775 acres, is very small relative to the species' entire geographic range; the impact area's relative importance to the species, both regionally and throughout its range is thought to be minor. As a result, the impact of any take resulting from temporary impacts to GGS upland habitat is expected to be negligible.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?

Would implementation of the HCP:

A. Have significant impacts on public health or safety?

No. Implementation of the HCP would not result in significant adverse effects to public health or safety. Currently the SRPS is surrounded on four sides by levees that do not meet the state or federal flood protection criteria. Should a significant flood event occur at the SRPS, sewer service could be impacted for thousands of customers in the served by Regional San. The proposed project of constructing a new flood protection levee around the SRPS would in effect be a benefit to public health and safety by protecting the SRPS against a potential flood event.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No. No refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, national monuments, or ecologically significant areas occur within or adjacent to the permit area and no effects to these features would result from the proposed project.

No waters of the U.S. occur within the Permit Area. The Permit Area is located within the historic floodplain of the Sacramento River, but has been isolated from the river by the levees that are common in the area.

A cultural assessment on historical and archaeological resources for the SRPS entitled, "*Cultural Resources Technical Report: South River Pump Station Flood Protection Project*" was prepared in January 2011. There will be no adverse effects to historic or cultural resources.

Farmland within the footprint of the proposed levee project is classified as Prime Farmland. The southern part of the levee footprint will be constructed on Prime Farmland resulting in the permanent conversion of 2.4 acres of Prime Farmland to nonagricultural uses. If we look at the contribution to the effects to Prime Farmland from this project to the entire county as a whole, the impact would be considered negligible.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?

No. The proposed project will be constructed in compliance with federal, state, and county regulations and no substantial dispute exist as to the size, nature, or effects of the proposed project. An alternatives analysis is provided in the HCP; no alternative was identified to have a

substantially less effects on available resources than the proposed project. There are no controversial environmental effects or unresolved conflicts concerning alternative uses of the available resources.

D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?

No. The project is limited in size and scope. The flood control levee and access road would be constructed around the SRPS located within the 136.4 acre project site. No unique environmental risks have been identified and no reasonably identifiable future effects are expected with implementation of the HCP.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Future actions will be reviewed on their own merits. Implementation of this HCP will ultimately have a beneficial environmental effect by providing future flood control protection for the service area that Regional San covers. Also, as previously stated the project is limited in size and scope. The flood control levee and access road would be constructed around the SRPS located within the 136.4 acre project site. Implementation of the HCP would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No. The proposed project has independent utility, and is a single action not related to any other, including any actions with individually insignificant but cumulatively significant environmental effects. The proposed project is being constructed to provide future flood control protection for the service area that Regional San covers.

G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?

No. A cultural assessment on historical and archaeological resources for the SRPS entitled, "*Cultural Resources Technical Report: South River Pump Station Flood Protection Project*" was prepared in January 2011. There will be no adverse effects to resources listed or eligible for listing on the National Register of Historic Places.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

No. The project site is not within proposed or designated critical habitat for the VELB or any other federally listed species.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

No. Implementation of the HCP would not threaten to violate any federal, state, local, or tribal law or requirement imposed for the protection of the environment. All other federal, state, local, or tribal laws or requirements will be adhered to.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No. The project will beneficially affect services equally to all socio-economic groups.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No. the project site is not located proximal to any sacred sites used by Native American religious practitioners nor are such lands found within the project area.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

No. The proposed project will not contribute to the continued existence of noxious weeds or non-native invasive species in the permit area. HCP construction specs require the following:

(1) Native and erosion control seed mixes that are weed free and straw mulch shall be derived from wheat or barley, and certified weed-free.

(2)Vehicle and Equipment Cleaning: All vehicles/equipment that regularly enter and leave the construction site must be cleaned off-site; or when vehicle/equipment washing/cleaning must occur onsite, and cannot be located within a structure or building equipped with appropriate disposal facilities, the outside cleaning area shall be paved and contained with a sump to allow collection and disposal of wash water to prevent run-on and runoff and used only when necessary.

IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statues, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for Low-Effect Conservation Plan for the South River Pump Station qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook.* Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Low-Effect Conservation Plan for the South River Pump Station. Therefore, the Service's permit action for Low-Effect Conservation Plan for the South River Pump Station is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

Low-Effect Conservation Plan for the South River Pump Station,
Yolo County, California

"*Cultural Resources Technical Report: South River Pump Station Flood Protection Project*", January 2011

Signature Approval:

Kaylee Allen
Field Supervisor
Bay-Delta Fish and Wildlife Office

acting for

Date